

Message Text

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TO AMEMBASSY CARACAS IMMEDIATE

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FOLLOWING REPEAT USUN 5520 ACTION SECSTATE INFO SANTIAGO 31
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QUOTE

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E.O. 11652: N/A

TAGS: CI, SHUM, UNGA

SUBJECT: HUMAN RIGHTS IN CHILE - THIRD COMMITTEE RESOLUTION

1. NEGOTIATING GROUP OF CUBA, MEXICO, YUGOSLAVIA,
PORTUGAL, UK, FRANCE, FRG, AUSTRIA, BELGIUM AND SWEDEN
HAS PRODUCED TEXT THAT THEY ARE SENDING TO THEIR CAPITALS
FOR AUTHORITY TO CO-SPONSOR. AS REPORTED BY UK DEL, THE
ATTITUDES OF EC-9 MEMBERS ARE: "NETHERLANDS - READY TO
CO-SPONSOR AND INTRODUCE THIS DRAFT; BELGIANS AND
SCANDINAVIANS READY TO CO-SPONSOR; FRANCE - POSSIBILITY
WILL ABSTAIN; FRG - VERY UNHAPPY BUT UNLIKELY TO BE ABLE
TO DISENGAGE NOW; UK - DELEGATION RECOMMENDED SUPPORT
BUT NOT CO-SPONSOR YET. MAY BE INSTRUCTED TO CO-SPONSOR;
IRELAND MAY WELL CO-SPONSOR; REACTIONS OF OTHER DELEGATES
NOT KNOWN".

2. ANOTHER MEETING OF POSSIBLE CO-SPONSORS SCHEDULED

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FOR TUESDAY MORNING. USUN COMMENTS WILL FOLLOW

IN SEPARATE MESSAGE. TEXT OF DRAFT FOLLOWS.

QUOTE

(1) CONSCIOUS OF ITS RESPONSIBILITY UNDER THE CHARTER OF THE UNITED NATIONS TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL.

(2) DEEPLY CONVINCED THAT THE NEED AND NECESSITY OF FULLY IMPLEMENTING THE RIGHT OF EVERYONE TO LIFE, LIBERTY AND SECURITY OF PERSON AND THE RIGHT NOT TO BE SUBJECTED TO ARBITRARY ARREST, DETENTION OR EXILE OR TO TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT SHOULD BE UNDER THE CONSTANT VIGIL OF THE GENERAL ASSEMBLY.

(3) RECALLING THAT IN ITS RESOLUTION 3219 (XXIX) OF 6 NOVEMBER 1974, THE GENERAL ASSEMBLY EXPRESSED ITS DEEPEST CONCERN ABOUT REPORTED CONSTANT AND FLAGRANT VIOLATIONS OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, AND URGED THE AUTHORITIES IN THAT COUNTRY TO TAKE ALL NECESSARY STEPS TO RESTORE AND SAFEGUARD THEM, PARTICULARLY IN THOSE CASES, INVOLVING A THREAT TO HUMAN LIFE AND LIBERTY.

(4) TAKING NOTE OF RESOLUTION 11.31 OF 23 NOVEMBER 1974 OF THE XVIII SESSION OF THE GENERAL CONFERENCE OF UNESCO, OF RESOLUTION . . . OF 24 JUNE 1975 OF THE LX SESSION OF THE GENERAL CONFERENCE OF THE I.L.O., OF RESOLUTION 34 OF 2 JULY 1975 OF THE WORLD CONFERENCE OF THE INTERNATIONAL WOMAN'S YEAR AND RESOLUTION 2 (XXVIII) OF 10 SEPTEMBER 1975 OF THE SUB COMMISSION ON PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES CALLING FOR THE CESSATION OF VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE.

(5) NOTING THAT IN ITS RESOLUTION 8 (XXXI) OF 27 FEBRUARY 1975, THE COMMISSION OF HUMAN RIGHTS, AFTER EXPRESSING ITS SERIOUS CONCERN ABOUT THE CONTINUING REPORTS OF VIOLATIONS OF HUMAN RIGHTS IN CHILE, DECIDED TO ESTABLISH AN AD HOC WORKING GROUP TO INQUIRE INTO THE PRESENT SITUATION OF HUMAN RIGHTS IN SAID COUNTRY ON THE BASIS OF ALL AVAILABLE EVIDENCE, INCLUDING A VISIT TO CHILE, AND APPEALED TO THE AUTHORITIES OF CHILE TO EXTEND ITS FULL CO-OPERATION TO THE GROUP.

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(6) HAVING CONSIDERED THE REPORT OF THE SECRETARY-GENERAL UNDER RESOLUTION 3219 (XXIX) AND IN PARTICULAR THE PROGRESS REPORT SUBMITTED BY THE AD HOC WORKING GROUP ESTABLISHED BY THE COMMISSION ON HUMAN RIGHTS.

(7) CONVINCED THAT THE PROGRESS REPORT CONTAINS EVIDENCE ON WHICH TO CONCLUDE THAT FLAGRANT AND CONSTANT VIOLATIONS OF

BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE TAKEN PLACE
AND CONTINUE TO TAKE PLACE IN CHILE.

(8) EXPRESSING ITS APPRECIATION TO THE CHAIRMAN AND MEMBERS
OF THE AD HOC WORKING GROUP FOR THEIR REPORT WHICH HAS BEEN
PREPARED IN A COMMENDABLE MANNER, NOTWITHSTANDING THE REFUSAL
OF THE CHILEAN AUTHORITIES TO PERMIT THE GROUP TO VISIT THE
COUNTRY.

(9) REAFFIRMING ITS CONDEMNATION OF ALL FORMS OF TORTURE AND
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

1) EXPRESSES ITS PROFOUND DISTRESS THAT CONSTANT FLAGRANT
VIOLATIONS OF HUMAN RIGHTS, SUCH AS THOSE DESCRIBED IN
THE PROGRESS REPORT OF THE AD HOC WORKING GROUP (DOC. A/10285),
INCLUDING THE INSTITUTIONALISED PRACTICE OF TORTURE, CRUEL
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, ARBITRARY
ARREST, DETENTION AND EXILE HAVE TAKEN PLACE AND FOR WHICH THERE
IS EVIDENCE THAT THEY CONTINUE TO TAKE PLACE IN CHILE.

2) CALLS ON THE CHILEAN AUTHORITIES TO TAKE, WITHOUT DELAY,
ALL NECESSARY MEASURE TO RESTORE AND SAFEGUARD BASIC HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS, AND FULLY TO RESPECT THE
PROVISIONS OF THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE
IS A PARTY AND TO ENSURE TO THIS END THAT:

A) THE STATE OF SIEGE OR EMERGENCY IS NOT USED FOR THE PURPOSE
OF VIOLATING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS:

B) ADEQUATE MEASURES TO BE TAKEN TO END THE INSTITUTIONALISED
PRACTICE OF TORTURE AND OTHER FORMS OF CRUEL INHUMAN OR
DEGRADING TREATMENT:

C) THE RIGHTS OF ALL PERSONS TO LIBERTY AND SECURITY OF PERSON
AS PROVIDED FOR IN ARTICLE 9 OF THE INTERNATIONAL COVENANT
BE FULLY GUARANTEED AND IN THIS RESPECT STEPS BE TAKEN
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TO CLARIFY THE STATUS OF THOSE INDIVIDUALS WHO ARE NOT ACCOUNTED
FOR:

D) NO ONE SHALL BE HELD GUILTY OF ANY CRIMINAL OFFENCE ON
ACCOUNT OF ANY ACT OR OMISSION WHICH DID NOT CONSTITUTE A
CRIMINAL OFFENCE, UNDER NATIONAL OR INTERNATIONAL LAW AT
THE TIME WHEN IT WAS COMMITTED, CONTRARY TO ARTICLE 15 OF
THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS:

E) NO ONE, IN ACCORDANCE WITH ARTICLE 15.2 OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS BE ARBITRARILY DEPRIVED OF CHILEAN
NATIONALITY:

F) THE RIGHT TO FREEDOM OF ASSOCIATION, INCLUDING THE RIGHT
TO FORM AND JOIN TRADE UNIONS BE RESPECTED IN ACCORDANCE WITH
ARTICLE 23 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS:

G) THE RIGHT TO INTELLECTUAL FREEDOMS AS PROVIDED FOR IN ARTICLE
19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

BE GUARANTEED.

3) DEPLORES THE REFUSAL OF THE CHILEAN AUTHORITIES TO ALLOW THE AD HOC WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS TO VISIT THE COUNTRY. NOTWITHSTANDING PREVIOUS SOLEMN ASSURANCES GIVEN BY THEM IN THIS REGARD AND URGES THEM TO HONOUR THESE ASSURANCES.

4) INVITES THE COMMISSION ON HUMAN RIGHTS TO EXTEND THE MANDATE OF THE AD HOC WORKING GROUP AS PRESENTLY CONSTITUTED, ESTABLISHED UNDER RESOLUTION 8 (XXXI), TO ENABLE IT TO REPORT TO THE GENERAL ASSEMBLY AT ITS 31ST SESSION AND TO THE COMMISSION AT ITS 33RD SESSION ON ANY DEVELOPMENTS WHICH OCCUR AS TO THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

5) REQUESTS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE SECRETARY-GENERAL OF THE UNITED NATIONS TO ASSIST IN ANY WAY THEY MAY DEEM APPROPRIATE IN THE IMPLEMENTATION OF THIS RESOLUTION. UNQUOTE
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UNQUOTE. KISSINGER

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